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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,442	06/14/2006	David J. Woolgar	GB030222	6746
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EXAMINER				
MARANDI, JAMES R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,442

**Applicant(s)**

WOOLGAR, DAVID J.

**Examiner**

JAMES R. MARANDI

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. The title is extremely broad and not indicative of the field of invention and/or inventive concept. The following title is suggested: "Signal Selection of AV System Components" or "AV System Component Selection".

A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- "Record Carrier" as recited in claim 23 could be a signal which is non-statutory.

- "Software utility" as recited in claim 24 does not appear to have the means to effectuate a tangible result and/or meaningful transformation (lack of realization in form of computer readable medium and processor to execute the said instructions).

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., an abstract idea, stored on a computer- readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See >Diamond v.< Diehr, 450 U.S. \*>175,< 185-86, 209 USPQ \*.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

4. Claims 1, 4- 7, 9, 10, and 13, 16- 25 are rejected under 35 U.S.C. 102(a) and/or (e) as being anticipated by Richard Humpleman, US Patent No. 6,801,507 (hereinafter "Humpleman").

Regarding claim 1, Humpleman discloses:

A method for selecting a signal (**Figure 2, a signal originated from any one of elements 11**) from a plurality of signals (**originating from elements 11**) received by a component in an AV system (**100**) comprising: (**it should be noted that an electrical signal carried on a physical medium connecting AV components could be carrying and representing video application, audio application, etc... This signal contains frames which includes the application traffic. The OSI, layers presented in Figure 3 is a good example**)

- adding an identifier (**IP address**) to a signal in dependence on the signal being generated by an active first component; (**As devices are connected and turned on they are discovered and assigned an identifier (IP address). The IP address is always associated with a MAC address at the physical level. Though the IP address may change, the MAC address is always device dependent; Column 6,**

- lines 29- 46; Figure 3; the user through GUI selects the device and therefore the signal thereby elevating the device to first position)**
- **sending the signal from the active first component (Column 4, lines 48-52);**
  - **receiving a plurality of signals at a second component (signals are available to all components shown connected on 114);**
  - **for each signal of the plurality of received signals:**
    - **analysing the signal for the presence of the identifier (The signal is analyzed at the network interface card, NIC, for the presence of the identifier, IP address, and association with the appropriate component and its associated application); and**
    - **where the identifier is present determining and storing at least one parameter associated with the identifier (the IP address, identifier, is associated a device. Each device stores device information, discovery agent, configuration agent, user interface agent, etc.. Column 3, lines 9-28. This information can be used to build a Graphical User Interface (GUI) to present and provide information to the user, Column 4, lines 48-61);**
  - **and**
  - **selecting a signal from the plurality of received signals in dependence on stored ones of the parameters (Selecting a DVD from the GUI interface will activate all stored parameters of the DVD therefore allowing the**

**user to control the selected device, i.e. DVD tracks, menu, etc.Column 5, lines 20-45).**

**It should be noted that Humpleman's teaching is not limited to IP networks, as taught in Column 4, lines 38-47.**

Regarding claim 4, Humplemam discloses wherein at least one parameter comprises a value related to the time of commencement of the first component becoming active **(all discovered devices are available to be made active. The user selects the desired device thereby activating said device and initiating commencement)** and where the signal is selected based on the most recent time of commencement. **(Column 16, lines 23- 28)**

Regarding claim 5, Humpleman discloses prior to the step of receiving, the step:

- communicating to other components of the system a relevant parameter associated with the identifier; **(all components connected to the Bus of Figure 7, are communicating at all times, also see Column 16, lines 23-24);**
- prior to the step of selecting **(through the GUI, element 200 of Figure 4b the user can select any device/ signal),** the step:

- acquiring the relevant parameter at the second component (**relevant parameters are presented in elements of Figure 4b, these parameters are represented in their database table format, e.g. icon.htm, and are represented in tables 1-10. First device, then can fetch the parameters of a second devices per Column 6, lines19-20. Humpleman's teaching allow for logical and physical devices per Column 6, lines 9- 19.); and**
- wherein the step of selecting a signal from the plurality of received signals is on the basis of a comparison of stored ones of the parameters and the relevant parameter (**user can select devices discovered and assembled per parameters of Figure 4b as represented in element 200. If the user selects CD then the relevant parameters are the controls such as FF,REW, track numbers, etc.).**

Regarding claim 6, Humpleman discloses wherein the at least one parameter comprises a component address. **(The IP address for devices connected to the network)**

Regarding claim 7, Humpleman discloses wherein the relevant parameter comprises the component address of the active first component. **( all components presented in 200 are discovered and available to the user.**



**Device names, and information, relevant parameters, such as address, are collected and represented to the user per Column 13, lines 53-67).**

The AV system of claim 9 effectuating the method of claims 1 is hereby rejected by the same analysis.

The AV system of claim 10 effectuating the method of claim 5 is hereby rejected by the same analysis.

Regarding claim 13, Humpleman discloses, wherein the connection means comprises a bus **(114)** to support the communication of the relevant parameter.

Regarding claim 16, Humpleman discloses A first component **(Figure 4a, 102)** for use in the system of claim 9 comprising:

- a user interface operable to receive user commands **(200)**;
- a source of AV signals **(110)** ;
- an output device operable to **(110, 210)**:
  - add an identifier to at least one of the AV signals **(110)**;
  - output the AV signals **(210)**;

- a processor (**each A/V device has its own processor, discovering the network, generating the user GUI, as per Column 4, lines 48-67**)  
operable to:
  - instruct the output device to add the identifier in dependence on the first component being active (**column 18, lines 22-30**).

Claim 17 is rejected by the same analysis as claim 16.

Regarding claim 18, Humpleman discloses a switching matrix GUI (**Figure 6**), therefore,

- operable to:
  - receive a plurality of signals (**Signals from all A/V components**);
  - select at least one of the signals (**select for example DVD1**);
  - output the at least one selected AV signals (**display on HDTV1**);
- a store (**VCR1**);
- a processor (**each A/V device has its own processor, discovering the network, generating the user GUI, as per Column 4, lines 48-67**)  
operable to:
  - analyse each signal of the plurality of received signals for the presence of an identifier (**the IP address as described before**);
  - where an identifier is present (**all discovered devices**), determine and store at least one parameter associated with the identifier (**e.g.**

**DVD 1's IP address is associated with parameters such as tracks, controls (FF,REW), etc.);**

- o instruct the switching matrix to select a signal in dependence on the stored parameters. **(e.g. select DVD1, play track 4, display on HDTV1). It should be noted that every device is capable of generating a GUI as per Figures 5, and 6 and manage others, namely selecting, playing, and switching content to the appropriate display.**

Claim 19 is rejected based on the same analysis as claim 18.

Claim 20 is rejected based on the same analysis as claim 16.

Claim 21 is rejected based on the same analysis as claim 17. **(Column 6, lines 38-46; Column 18, lines 22-30)**

Claim 22 is rejected based on the same analysis as claim 19. **(Column 6, lines 38-46; Column 18, lines 22-30)**

Claim 23, A record carrier comprising software effectuating the method of claim 1, is hereby rejected by the same analysis.

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Claims 24 and 25, software utility, and a component including a processor enabling said software utility, effectuating the method of claim 1, are hereby rejected by the same analysis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of S.E. Krafft et al., US Patent Publication No. 2004/0028149 (hereinafter "Krafft").

Regarding claim 2, Humpleman fails to disclose, wherein the identifier comprises at least one frequency component in the range 20 kHz to 500 kHz. **In an analogous art, Krafft substantially discloses an identifier with a frequency of 22 kHz (which is in the range claimed by the applicant), see paragraphs [7]; Figures 1 and 10. Krafft teaching is used in controlling peripheral**

**hardware and performing link configuration in satellite communication networks. Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Humpleman's invention to include Krafft's teaching in order to further expand the range of devices to be networked.**

Claim 3 is rejected by the same analysis as claim 2.

7. Claims 8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Peter Marshal, "Home Networking: A TV Perspective", Electronics & Communication Engineering Journal, October 2001 (hereinafter "Marshall").

**As for claims 8, 14, and 15 Humpleman uses an IEEE 1394 serial bus as an embodiment of his invention. He further teaches that various legacy networks and their respective protocols can also be included by using a proxy (116), per Column 7, lines 19-24). However he does not explicitly cite project 50. Marshall discloses HAVi as a way to network various home entertainment devices. He also uses IEEE 1394 as an example, and further teaches including legacy systems such as SCART/ Project 50. Therefore, it**

would have been obvious to a person skilled in the art, at the time of invention, to modify Humpleman's system to include Marshall's teaching. Humpleman further discloses (Column 4, lines 40-47) inclusion of other protocols used in home communications. By the same analysis, through the use of proxy 116 other digital connections such as HDMI/ CEC, and SP/DIF are accommodated.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of J.B. Sampsell, US Patent No. 6,219,839 (hereinafter "Sampsell").

Regarding claims 11 and 12 Humpleman fails to disclose use of analog AV signals. However, in analogous art, Sampsell teaches inclusion of legacy devices to supports the sending of analogue AV signals and associated analog connectors (Sampsell, Column 7, lines 54-65). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Humpleman's invention to include Sampsell's teaching in order to further include access to capabilities of legacy analog home networked devices.

***Prior Art Made of Record***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Jon Fairhurst, "HAVi Technical Overview", Technical Seminar, Sharp Corp., April 2000
- Rodger Lea et al., "Networking Home Entertainment Devices with HAVi", IEEE Computer magazine, Sept. 2000
- Eiji Tokunaga et al., "A Framework for Connecting Home Computing Middleware", IEEE, ICDCSW'02, 2002

***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/

/Christopher Grant/  
Supervisory Patent Examiner, Art Unit 2623